

*City of Alexandria, Virginia*

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MEMORANDUM

DATE: APRIL 8, 2002

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: BUDGET MEMO # 15: FY 2003 BUDGET MEMORANDUM FROM THE COMMONWEALTH'S ATTORNEY

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Attached for your budget notebooks is a recent memorandum from the Commonwealth's Attorney to City Council. The Commonwealth's Attorney is satisfied with the budget as proposed, but is requesting that the City cover expected budget reductions from the State Compensation Board of \$66,000. While the State "cut" may be \$66,000, because of conservative State revenue projections used in the City's FY 2003 proposed budget, the actual reduction (unless the State budget is amended) would be \$45,000. Shortly after the Governor releases his budget amendments on April 9 and the veto session is completed on April 17, staff plan on compiling an updated list of likely State budget reductions and will include the annualized Commonwealth's Attorney revenue loss on this list.

Attachment

cc: Mark Jinks, Assistant City Manager for Fiscal and Financial Affairs  
Gene Swearingen, Director, Office of Management and Budget  
Bernie Caton, Legislative Director

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*City of Alexandria, Virginia*  
Office of the Commonwealth's Attorney

**MEMORANDUM**

TO: The Honorable Mayor and Members of City Council  
From: S. Randolph Sengel, Commonwealth's Attorney  
Re: FY2003 Budget Issues  
Date: March 22, 2002



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CITY MANAGER'S OFFICE  
ALEXANDRIA, VA

The purpose of this memorandum is to update Council on the impact of state budget cuts upon the budget of the Commonwealth's Attorney's Office, and to outline justification for continuing funding from local sources.

**I. Impact of state budget cuts.** At the annual spring meeting of the Commonwealth's Attorneys' Association on March 17, 2002, we were informed by representatives of the Compensation Board that funds paid by the Compensation Board to localities for Constitutional Officers will be reduced by 7.2% for FY2003, and in FY2004 this reduction will be increased to 8.5%. Although the final figure for funds to be received from the Compensation Board for the Commonwealth's Attorney's Office will not be available until May, it is anticipated that this cut will result in a reduction in state funds to Alexandria of about \$66,000.00 for FY2003. This reduction was confirmed by a memorandum from the Compensation Board Executive Secretary distributed March 22, 2002.

In addition, the latest and presumed to be final version of the state budget also cut the budget of the Virginia Commonwealth's Attorneys' Services Council by 20%. While this cut will have no direct impact in terms of reducing state revenue to the City, it will require us to adjust funds now budgeted for training of prosecutors. As a result of cuts to the Services Council budget, money available from the state for training of prosecutors has been reduced, and our office will be required to bear a greater share of expenses for training using existing funds.

**II. Justification for local funding.** It is the hope that the City will agree to fund the shortfall in state funds so that the Commonwealth's Attorney's Office can continue to operate at its current level of staffing. (Reduction of funds by \$66,000.00 would require termination of existing personnel. There are no categories of expenditures other than personnel which could absorb such a reduction.) In considering this issue, I respectfully ask that Council take into consideration the following factors which illustrate the extent to which daily efforts by prosecutors generate revenue for the City.

***A. Direct contributions to the locality as a result of our work:***

1. As a result of the successful prosecution of criminal and traffic cases in General District Court, the Court remits to the City on a monthly basis fines and forfeitures in substantial amounts. The last three months reported (December, 2001, January and February 2002) show revenues to the City from these cases at an average of \$68,000 per month. It is worth noting here that many Commonwealth's Attorneys in Virginia exercise their statutory option not to prosecute any misdemeanor criminal and traffic matters. Our office has always undertaken this effort even though we are not required by law to do so.

2. Substantial efforts on the part of prosecutors participating in a newly constituted environmental crimes task force portend resolution of pending case which we expect will result in a civil settlement payment of six hundred and seventy five thousand dollars (\$675,000.00) to the City general revenue fund. While this one case cannot predict with certainty a continuous revenue source of a definite amount, it is our hope that this effort will continue to produce a source of revenue for the City to apply to the costs of environmental clean up and funding for agencies which participate in such efforts.

***B. Indirect contributions to the locality as a result of our work:***

1. A significant amount of our work is supported by grant funding which requires no local matching funds. In particular, our efforts in securing funding for the Community Prosecution Program (\$350,000.00 for 36 months) and the continuing operation of portions of our Victim Witness Program have enabled us to continue this work without requesting additional local funding. The value of these programs to the community can be measured in both intangible and tangible categories. For example, because of the staffing and training level of our Victim Witness Program, we were able to make substantial contributions to handling the needs of local families who lost loved ones in the September 11 attack on the Pentagon. On a daily basis this program offers assistance on every level to all crime victims in their contact with the criminal justice system. In more tangible terms, this program has implemented aggressive efforts to collect restitution in criminal cases, and since undertaking such efforts has averaged collecting over seventy thousand dollars (\$70,000.00) per year which is disbursed directly to crime victims.

2. Our pursuit of forfeiture of assets seized in connection with criminal activity continues to provide a source of revenue for some equipment needs. This process allows the acquisition of certain equipment without impacting local revenue, and returns a substantial amount of revenue to the police department as well. (Forfeited assets are disbursed 20% to the prosecutor's office and 80% to the police department).

***C. A final comment on some intangibles:***

A common inquiry often aimed at law enforcement funding asks why staffing levels cannot be reduced because of declining crime rates. There are two principal reasons why such declines do not materially impact the amount of work required from prosecutors. First, declining rates of reported crime do not necessarily mean declining numbers of cases in which criminals are arrested and prosecuted. Notwithstanding the decline in the rate of reported crime in Alexandria, we

continue to commence substantially the same number of cases per year. Thanks to advances in forensic science, especially in DNA, we are closing and prosecuting cases now which in the recent past would never have been solved. These scientific advances also contribute significantly to the second factor impacting our work load, which is that many cases which are prosecuted now are substantially more complex in many respects than cases in the recent past. As a result, the knowledge and effort required to successfully conclude such cases is much greater. In this regard, the foolishness of cutting state funds for training for prosecutors at a time when it is needed more than ever is readily apparent.

Finally, I assure you that Alexandria is truly fortunate to have retained a number of experienced prosecutors who are able to apply a degree of legal knowledge, insight, and experience to the benefit of this community which vastly exceeds in value what they are being paid. While it is true that the support of the City has been very helpful in fostering an environment in which career prosecutors can continue to serve, it is important to realize that the legal services provided by these dedicated employees is a tremendous bargain when compared to similar service in the private or federal government sector.

I appreciate your continuing support, and I hope that you will feel free to call me directly at any time if you have questions about budget matters related to this office. Thank you.

cc: Philip Sunderland, City Manager  
Mark Jinks, Assistant City Manager for Fiscal and Financial Affairs  
Gene Swearingen, Director, Office of Management and Budget